

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

UNIVERSITY OF SOUTHERN  
CALIFORNIA,

Opposer,

v.

UNIVERSITY OF SOUTH CAROLINA,

Applicant.

Opposition No. 125,615

Serial No. 75/358,031

Mark: SC (Stylized)

Filed: September 16, 1997

Published: May 18, 1999

04-01-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #2

UNIVERSITY OF SOUTH CAROLINA,

Petitioner,

v.

UNIVERSITY OF SOUTHERN  
CALIFORNIA,

Respondent.

Opposition No. 125,615

Reg. No. 1,844,953

Mark: SC (Word Mark)

Registered: July 12, 1994

**AFFIDAVIT OF MANDY ROBERTSON-BORA IN SUPPORT OF REPLY PURSUANT  
TO BOARD ORDER DATED FEBRUARY 10, 2003**

I, Mandy Robertson-Bora, declare:

1. I am a paralegal with the law firm of Gibson, Dunn & Crutcher, LLP, counsel of record in this matter for Opposer the University of Southern California. To the extent that facts herein are not a matter of record in the United States Patent and Trademark Office, I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and would competently testify thereto. I am submitting this affidavit pursuant to F.R.C.P. 56(e) and TBMP 528.05(b).

2. On or about March 20, 2003, I repeated the Lexis/Nexis search reflected in Carolina's Exhibit 1, and I confirmed that a Lexis search does show more than 3,000 results of "SC" within close proximity to the words "South Carolina."

3. On or about March 20, 2003, I ran a similar Lexis/Nexis search on the letters "SC" that excluded any result with the words "South Carolina." This search likewise showed more than 3,000 results in which "SC" is used without any mention of "South Carolina." A true and correct copy of the search result is attached hereto as Exhibit A.

4. On or about March 20, 2003, I ran a Lexis/Nexis search that showed the relationship between the University of Notre Dame and the "NOTRE DAME" mark. Using the Carolina method, I ran a search on the phrase "Notre Dame" within close proximity to the word "university." The Lexis/Nexis search showed more than 3,000 results. A true and correct copy of the Lexis/Nexis search result is attached hereto as Exhibit B.

5. On or about March 20, 2003, I also ran a similar Lexis/Nexis search on the phrase "Notre Dame" that excluded any result with the word "university." This search likewise showed more than 3,000 results in which "Notre Dame" is used without any mention of "university." A true and correct copy of the search result is attached hereto as Exhibit C.

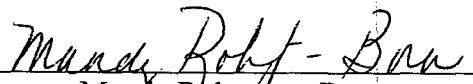
6. On or about April 1, 2003, I ran Lexis/Nexis searches that showed the relationship between "SC" and the University of Southern California. Again using the Carolina method, I ran a search on "SC" within close proximity to "Trojan" or "Trojans" or "California" or "University of Southern California" or "Southern Cal," and the result was 659 records. I also ran a focus search within these 659 records to see how many of the records specifically included the terms Trojan or Trojans. Of the 659 records, more than 200 records included the "Trojan" or "Trojans"

terms. A true and correct copy of the Lexis/Nexis search results are attached hereto as Exhibit D.

7. On or about April 1, 2003, I ran a Lexis/Nexis search on the terms "SC" and "football" and "Trojan(s)" all appearing in the same document. The search showed 2,768 documents that refer to all three of these search terms in the same document. A true and correct copy of the Lexis search results is attached hereto as Exhibit E.

I declare that this declaration is true and correct under penalty of perjury of the laws of the United States.

Executed this 1st day of April in Los Angeles, California.

  
Mandy Robertson-Bora



## More Than 3000 Results!

This search ("sc" and not "south carolina") has been interrupted because it will return more than 3000 results. Please edit your search and try again. You may want to try one or more of the following:

- Add more search terms.
- Use less common search terms.
- Use a more specific date.
- Add suggested terms and connectors.
- Enter more restrictive connectors.

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## More Than 3000 Results!

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## More Than 3000 Results!

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<u>"sc" w/3 (trojan or trojans or california or "university of southern california" or "southern cal")</u>	659	News Group File, All	04/01/2003 13:00:57

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<a href="#">"sc" and football and trojan!</a>	2765	News Group File, All	04/01/2003 12:34:43

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Opposition No. 125,615

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **AFFIDAVIT OF MANDY ROBERTSON-BORA IN SUPPORT OF REPLY PURSUANT TO BOARD ORDER DATED FEBRUARY 10, 2003** was placed in the United States mail, first class, postage pre-paid, addressed to the following on this 1st day of April, 2003.

John C. McElwaine  
Matthew D. Patterson  
Nelson Mullins Riley & Scarborough, L.L.P.  
Liberty Building, Suite 500  
Charleston, South Carolina 29401

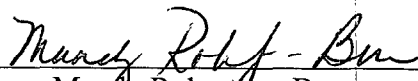
Attorneys for Applicant University of South Carolina

  
Mandy Robertson-Bora

**CERTIFICATE OF EXPRESS MAILING UNDER 37 § CFR 1.10**

I hereby certify that on April 1, 2003, the attached **AFFIDAVIT OF MANDY ROBERTSON-BORA IN SUPPORT OF REPLY PURSUANT TO BOARD ORDER DATED FEBRUARY 10, 2003** (re Opposition No. 125,615) is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to:

BOX TTAB – NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202

  
Mandy Robertson-Bora

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